

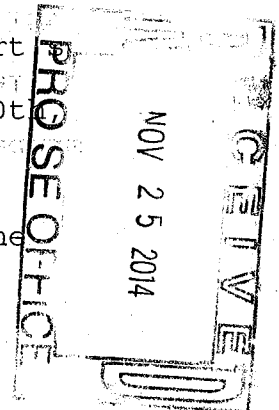
The Honorable William H. Pauley III
United States District Judge
United States District Court
500 Pearl Street
New York, N.Y. 10007

Re: Roderick Gunn v. United States, 14 Civ. 3228 (WHP)
United States v. Roderick Gunn, SI 06 Cr. 911 (WHP)

Dear Judge Pauley:

On November 10th, 2014, I was served with a copy of the Government's Memorandum of Law in opposition to my Motion under 28 U.S.C. § 2255. In accordance with the Court's scheduled Order, see{Dock#5}, in conjunction with the Court's June 12, 2014 Order, see{Dock#8}, I have until December 10th, 2014 to file a Reply to Government's opposition.

I had recently filed a Motion pursuant to Rule 7 of the Rules Governing 2255 Proceedings, Rule 26(b)(1), and Rule 36(a)(1) of Fed. R. Civ. P., see{Dock#12}, seeking the following disclosures from the Government: (1) A sworn Affidavit, in regards to my Napue claim, stating whether or not the Government knowingly used perjured testimony at trial, and allowed such to go uncorrected before the jury; and (2) for the Court to conduct an in-camera review of the Government's Death Penalty submission against Derrilyn Needham where, according to prior information obtained from counsel Richard Palma, the Government had argued in its death penalty submission against Needham that she ordered Davis to kill Gary Grey, which would be a different position and theory the



Government presented at trial, and which would support my Napue due process violation claim.

I respectfully submits that in order to prepare, file and resolve my Napue claim, it is necessary to obtain a statement from the Government pursuant to Rule 7(b) of Rules Governing 2255 Proceedings, and Rule 26(b)(1) and Rule 36(a)(1) of Fed. R. Civ. P. A statement from the Government admitting or denying my claim that perjured testimony was knowingly used at trial, is necessary to enable me{Petitioner} to rebut the Government's gloss-over claim that Napue has no bearing on my case, and to develop the record for further appellate review should this Court deny relief. In addition, the in-camera review and disclosure of redacted copy of the death penalty submission outlining the Government's theory on Needham's role in the Wickham Avenue robbery/murder is necessary to enable me to file a meaningful rebuttal of the Government's opposition Memorandum of Law, and to preserve evidence for future litigation in this case. Rule 7(b) provides that "the expanded record may include...answers under oath, if so directed, to written interrogatories propounded by the judge. Affidavits may be submitted and considered as part of the record." Rule 7(b) of Rules Governing 2255 Proceedings.

In particular, I respectfully request that the Court enter an Order, for the Government to provide a sworn statement stating whether, or not, the Government allowed Needham to testify to facts the Government knew to be false, and allowed such perjured testimony to go uncorrected before the jury, and

for an in-camera review be made on Needham's death penalty submission, and for the Court to review whether the Government's theory of Needham's role in the Wickham Avenue robbery/murder demonstrated that she planned the Wickham Avenue offense and ordered Davis to kill Gary Grey, a theory that conflicts with Needham's trial testimony and the Government's trial theory.

Accordingly, I respectfully request that an extension to file the Reply be granted until the Court grants, or deny my Motion pursuant to Rule 7(b), of Rules Governing 2255 Proceedings, Rule 26(b)(1), and 36(a)(1) of Fed. R. Civ. P., or any other relief deems necessary to enable me to file my Reply.

Dated this 19th day of November, 2014

Respectfully submitted

Roderick Gunn

R. Gunn

cc: United States Attorney's Office
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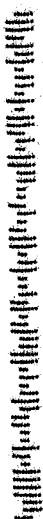
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